

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

DONNIE C. FORD,

Debtor.
8609 Sussex Street
Detroit, MI 48228
XXX-XX-5247

Case No. 18-41435-TJT
Honorable THOMAS J. TUCKER
Chapter 13

**RESPONSE DISAGREEING TO THE TRUSTEE’S NOTICE OF
COMPLETION OF PLAN PAYMENTS AND NOTICE TO CREDITORS
OF RIGHT TO OBJECT**

NOW COMES the Wayne County Treasurer, by and through its counsel, KILPATRICK & ASSOCIATES, P.C., and for its Response Disagreeing to the Trustee’s Notice of Completion of Plan Payments and Notice to Creditors of Right to Object states as follows:

1. The Wayne County Treasurer (“Treasurer”) is a creditor in the above captioned case and is the governmental unit responsible for collecting taxes in Wayne County, Michigan. The Treasurer is responsible for collecting property taxes which accrue on both real and personal property for the County and various cities within the County.

2. On or about February 5, 2018, the Debtor filed a Voluntary Petition for relief under Chapter 13 of Title 11, the United States Bankruptcy Code.

3. At the time of the filing of the case, the Debtor was indebted to the Treasurer in the approximate amount of Twelve Thousand Six Hundred Eighty-Two and 45/100 Dollars (\$12,682.45) as a result of the Debtor's failure to pay taxes for the years 2012, 2013, 2014, 2015, and 2016 on the property located at 8609 Sussex Street, Detroit, MI ("Property").

4 On or about June 27, 2018, the Court confirmed the Debtor's Plan which provided for payment of the Treasurer's pre-petition taxes.

5. The Debtor is obligated to pay the post-petition taxes directly to the Treasurer.

6. After confirmation of the case, additional taxes have accrued for the year 2021 totaling Seventy-Eight and 39/100 Dollars (\$78.39).

7. The taxes accrue interest at the rate 1% per month or 12% per annum pursuant to MCL §§211.59 and MCL 211.78a.

8. Contrary to the Debtor's obligations, the Debtor has failed, neglected or refused to pay the post-petition taxes now properly due and owing.

9. The Treasurer's claim is secured by a lien against the Debtor's property which is superior to all other secured parties interest in the property pursuant to MCL §211.40.

10. The Treasurer requests through this objection that the Debtor be required to pay in full the amount now due for the year 2021 in the approximate

amount of Seventy-Eight and 39/100 Dollars (\$78.39) plus any interest that accrues and that there be a specific provision in the Order Discharging the Debtor which acknowledges the post-petition claims of the Treasurer and which specifies that those claims not affected by the Discharge in this Chapter 13 case.

WHEREFORE, Creditor, the Wayne County Treasurer, prays that this Honorable Court delay entry of a discharge of the Debtor until payment of the outstanding past due taxes and allow the Wayne County Treasurer to pursue remedies of collection pursuant to applicable state law for the unpaid post-petition taxes and grant such other and further relief as this Court deems just and equitable.

Respectfully Submitted,

KILPATRICK & ASSOCIATES, P.C.

Attorney for Creditor, Wayne County Treasurer

By: /s/Melinda Brooks Oviatt

RICHARDO I. KILPATRICK (P35275)

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Dated: February 22, 2024

IN RE:

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PROOF OF SERVICE

MAGDELINE DUKE states that on the 22nd day of February, 2024, she served a copy of the RESPONSE DISAGREEING TO THE TRUSTEE’S NOTICE OF COMPLETION OF PLAN PAYMENTS AND NOTICE TO CREDITORS OF RIGHT TO OBJECT and this PROOF OF SERVICE upon the following parties with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Charles J. Schneider notices@cschneiderlaw.com

Tammy L. Terry terry.orders@det13.net

Office of the U.S. Trustee via ecf e-mail

And by depositing same in a United States postal receptacle, with first class postage affixed thereto, addressed to:

Donnie C. Ford
8609 Sussex Street
Detroit, MI 48228

/S/Magdeline Duke

MAGDELINE DUKE , an employee of
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